

Appl. No. 09/641,104  
Amdt. Dated August 20, 2003  
Reply to Final Office Action of February 21, 2003

### **REMARKS/ARGUMENTS**

Claims 39-41 remain in the application. Claims 42-43 were canceled.

#### **Oath/Declaration**

¶2: Examiner indicates that the declaration filed was defective because the declaration was not dated. Applicants respectfully submit that 37 CFR § 1.63 only require that the declaration be “executed, *i.e.*, signed” – a date is not a requirement. Accordingly, Applicants respectfully request withdrawal of this objection.

#### **Abstract/Withdrawn Objections and Rejections**

¶¶ 3-6: Applicants wish to thank Examiner for withdrawing the objections and rejections noted in paragraphs 4-6 of the Final Office Action and acknowledging the submission of the abstract.

#### **Informalities**

Examiner has noted the following informalities:

¶7: Examiner objected to the drawings, Figs. 1-6 and Tables 1-2 as being in German instead of English. Figs. 1-6 and Tables 1-2 have been replaced with substitute sheets using the English translations. Figs. 7-9 and Tables 3-4 are have also been replaced with substitute sheets using English translations. Accordingly, Figs. 1-9 and Tables 1-4 are now attached as replacement sheets.

Applicants have also added descriptions for Tables 3 and 4 and Figs. 7-9.

¶8: The word “aniline” was corrected on page 11 and substitution of “phenylalanine” for “phenyl alanine” on page 12.

Applicants have attended to these informalities and respectfully request withdrawal of these objections.

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### **Claim Objections**

¶9: Claim 39 was objected to because the claim recites, for example, "SEQ. ID. NO.: 1" instead of "SEQ ID NO:1". The claim has been amended to remove the unnecessary punctuation.

¶10: Claim 43 was objected to because it recited "Arg. 386" instead of "Arg 386". Claim 43 was cancelled but was incorporated into Claim 39 whereby the suggested change was made.

Applicants respectfully request withdrawal of these objections.

### **Claim Rejections under 35 USC § 112, First Paragraph**

¶11: Claims 39-43 was rejected under 35 U.S.C. 112, first paragraph, because the scope of the claims is too broad. The Examiner contends that the phrase "or mutants thereof" in claim 39 is too broad in scope to be enabled by the disclosure. Claim 39 has been amended to incorporate claims 42 and 43 to thereby better defining the variants regarding the mutants. Claims 42 and 43 have been cancelled. Applicants respectfully submit that these amendments obviate Examiner's rejection and withdrawal of the rejection is respectfully requested.

### **Claim Rejections under 35 USC § 112, Second Paragraph**

¶12-13: Claims 39-43 stand rejected under 35 U.S.C. 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 39 has been amended as suggested by the Examiner to replace "derived from" with "obtained from".

Claims 40 and 41 have been amended to recite dependency to claim 39, which was renumbered from claim 32.

¶14: The Examiner contends that Claim 41 is indefinite because of the term "AP 20 amino acid repeats" is unclear. Claim 41 was amended to clarify that the 20 amino acid repeats were of APC.

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¶15: The Examiner contends that claims 42 and 43 are indefinite. These claims have been cancelled.

Based on the foregoing amendments and remarks Applicants respectfully request withdrawal of these rejections.

**Conclusion:**

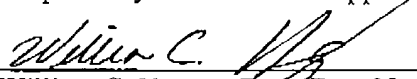
Based on the foregoing amendments and remarks, favorable consideration and allowance of all of the claims now present in the application are respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place the case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

To permit Examiner time to respond to this Amendment, Applicant has also filed concurrently a Notice of Appeal.

The Commissioner is authorized to charge any required fees, including any extension and/or excess claim fees, any additional fees, or credit any overpayment, to Goodwin Procter LLP Deposit Account No. 06-0923.

Respectfully submitted for Applicant,

  
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**Replacement Sheets Attached**

Figs. 1-9 (9 sheets)

Tables 1-4 (12 sheets)